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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**Daniel J. Kolodziej, individually and
on behalf of all others similarly
situated,**

Plaintiff

v.

**SAMSUNG ELECTRONICS
AMERICA, INC.**

Defendant

CASE NO. 5:18-cv-00768-BLF

CLASS ACTION

**NOTICE OF DISMISSAL OF
PLAINTIFF DANIEL J.
KOLODZIEJ’S CLAIMS AGAINST
DEFENDANTS PURSUANT TO
FED. R. CIV. P. 41(A)(1)(A)(I)
WITHOUT PREJUDICE WITH
EACH PARTY TO BEAR THEIR
OWN COSTS**

JURY TRIAL DEMANDED

COMES NOW, Plaintiff, Daniel Kolodziej (“Plaintiff”), by and through
counsel of record, and pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil
Procedure, files Plaintiff’s Notice of Voluntary Dismissal of Daniel Kolodziej’s
Claims Against Samsung Electronics America, Inc. (“Defendant”) Pursuant to

1 41(a)(1)(A)(i) Without Prejudice with Each Party to Bear Its Own Costs and hereby
 2 dismisses each of Plaintiff's claims against Defendant, **without prejudice, with**
 3 **each party to bear its own costs.**
 4

5 Defendant has not filed an answer in this case and has not filed a motion for
 6 summary judgment. Plaintiff has not previously dismissed any federal or state court
 7 suit based on or including the same claims as those presented in this lawsuit. A
 8 receiver has not been appointed in this case. This case is not governed by any
 9 federal statute that requires a court order for dismissal.
 10
 11

12 Accordingly, Plaintiff Daniel Kolodziej, hereby dismisses each of Plaintiff
 13 Daniel Kolodziej's causes of action against Defendant Samsung Electronics
 14 America, Inc. **without prejudice, with each party to bear its own costs.**
 15

16 Dated: May 10, 2019

17 By: /s/ Francis J. "Casey" Flynn, Jr.
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24 **ATTORNEY FOR PLAINTIFF**

25 CERTIFICATE OF SERVICE

26 I hereby certify that on May 10, 2018, the foregoing was filed
 27 electronically with the Clerk of Court to be served by operation of the Court's
 28 electronic filings system upon the parties of record.

/s/ Francis J. "Casey" Flynn, Jr.